

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

A review of Applicant's arguments in the Paper filed 7/5/2011 has convinced the examiner that the claims are allowable over the applied prior art of record.

2. Claims 1-2, 4-6, 8-9 and 11-24 are allowed.

3. Regarding independent claim 1 and the dependent claims, the prior art fails to teach or suggest a smoke- and water-vapor-permeable food casing impregnated with liquid smoke on the food-facing side, wherein the casing is single-layered or multilayered, wherein the layer or at least one layer is made up of a mixture consisting essentially of a) at least one aliphatic polyamide and/or aliphatic copolyamide, b) at least one thermoplastic other polymer or copolymer, wherein the thermoplastic other polymer or copolymer is hydrophilic and has a solubility of at least 20 g/L in water at 80 °C, c) at least one organic or inorganic filler, and d) at least one additive selected from a dye or a color pigment, wherein said mixture has a total weight, and wherein said at least one layer constitutes an internal layer of said multilayered casing.

4. Regarding independent claim 24, the prior art fails to teach or suggest a smoke- and water-vapor-permeable food casing impregnated with liquid smoke on the food-facing side, wherein the casing is single-layered or multilayered, wherein the layer or at least one layer is made up of a mixture consisting essentially of a) at least one aliphatic polyamide and/or aliphatic copolyamide, b) at least one thermoplastic other polymer or copolymer, wherein the thermoplastic other polymer or copolymer is hydrophilic and has a solubility of at least 20 g/L in water at 80 °C, c) at least one organic or inorganic filler,

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and d) at least one additive selected from a dye or a color pigment, wherein said mixture has a total weight, and wherein said casing is multilayered the at least one layer constitutes an internal layer, further having a water vapor transmission rate (WVTR), wherein said WVTR, determined as specified in DIN 53 122, with air impinging the casing on a single side at 23°C and at a relative humidity of 85%, is 80 to 500 g/m²d.

5. The closest prior art of Hisazumi et al. (US 4,764,406) teaches a encased sausage that can be dried and smoked in a smoker (no mention of liquid smoke impregnated to the food-facing side of the casing as claimed), however, fails to expressly teach a casing consisting essentially of the materials as claimed where the food casing is impregnated with liquid smoke on the food-facing side wherein the casing includes a thermoplastic other polymer or copolymer is hydrophilic and has a solubility of at least 20 g/L in water at 80°C, at least one organic or inorganic filler, and at least one additive selected from a dye or a color pigment and having a water vapor transmission rate (WVTR), wherein said WVTR, determined as specified in DIN 53 122, with air impinging the casing on a single side at 23°C and at a relative humidity of 85%, is 80 to 500 g/m²d. A casing that has been smoked in a smoker as taught by Hisazumi is not structurally the same as a casing that has been impregnated with a liquid casing as claimed. It is not clear whether the gaseous materials that bind to a sausage are capable of being in liquid form. The WVTR of Hisazumi's casing is significantly lower than for the casing as claimed. Since Hisazumi's sausage is smoked in a smoker and Applicant's casing has liquid smoke applied to an inner surface, the requirements of the casing are different. Hisazumi's sausage needs to be permeable enough for gaseous

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smoke to pass through from the outside while Applicant's casing needs to be sufficient enough sustain a liquid smoke applied to an inner surface. The requirements of the casings are completely different. It would not have been obvious to add fillers and pigments to Hisazumi's casing. Adding such additional materials will clearly change the properties of the casing including possibly making the casing weaker. Since Hisazumi's sausage is placed in a smoker to dry and smoke it is unclear whether pigments will be destroyed or undesirably altered. Thus, adding these additional materials may not provide any benefit but rather possibly adversely affect the structure of the casing, making it unsuitable for its intended purpose and increase the manufacturing costs.

6. The secondary references of record do not teach or suggest the combined limitations not taught by Hisazumi.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent T. O'Hern whose telephone number is (571)272-6385. The examiner can normally be reached on Monday-Thursday, 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on (571) 272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Brent T. O'Hern/
Primary Examiner, Art Unit 1783
July 11, 2011